

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT  
WESTERN DIVISION

DAYTON SUPERIOR CORPORATION

CASE NO. 3:12-CV-380

Plaintiff

-vs-

JUDGE THOMAS M. ROSE

JULIAN Z. YAN, et al.

Defendants

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ORDER GRANTING DEFENDANT'S MOTION TO CONTINUE PRELIMINARY  
INJUNCTION HEARING (Doc. #31) AND  
EXTENDING TEMPORARY RESTRAINING ORDER

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This matter comes before the Court pursuant to Defendant, Julian Zan's Motion to Continue the Preliminary Injunction hearing scheduled for December 3, 2012 (Doc. #31). Plaintiff, Dayton Superior Corporation, as well as Defendants, Epoxy Products, LLC and Michael R. Klover, filed responses to said Motion (Docs. #32 & #36). A Reply was filed by Defendant Zan. (Doc. #35).

The Court convened a telephonic record hearing on said Motion on November 30, 2012.

Defendant Zan requested this continuance due to his unavailability for said December 3, 2012 hearing. Defendant Zan further agreed to continue the Temporary Restraining Order, as ordered while the Motion is pending. Defendants, Epoxy Products LLC and Michael R. Klover also do not object to the continuance of the Preliminary Injunction hearing or the Temporary Restraining Order while the Motion for Preliminary Injunction is pending.

The Court finds that Defendant Zan's attendance at said hearing is a necessity due to the fact Zan is a party and is represented to be a critical witness who has had significant involvement in the matters that have given rise to this lawsuit as well as this request by Plaintiff to enjoin Defendants.

Based upon said findings and pursuant to FRCP 65(b)(2), this Court finds good cause to continue the hearing on Plaintiff's Motion for Preliminary Injunction and with the consent of the adverse party Defendants reset this matter for hearing on **December 20, 2012 at 9:00 AM.**

Pending the Court's ruling on said Motion, the Temporary Restraining Order and Bond will remain in full force.

IT IS SO ORDERED.

December 4, 2012

***Thomas M. Rose***

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JUDGE THOMAS M. ROSE